

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed November 20, 2008. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Status

Claims 1, 3-4, 6-10, 12, 13, and 15-18 were pending. Claims 2, 5, 11, 14, and 19-25 were cancelled previously. Claims 4 and 15-18 have been allowed. Claims 1, 3, 6-10, 12, and 13 have been indicated as would be allowed when the objection to claim 1 is fixed. Applicant appreciates the indication of allowability of these claims. Claims 1, 3, 6-10, 12-13, and 15-18 are amended herein to correct minor informalities. No claim is newly added. Thus, claims 1, 3-4, 6-10, 12, 13, and 15-18 remain pending.

Claim Objections

Claim 1 was objected to by the Examiner because of minor informalities. Claim 1 is amended herein. As amended, claim 1 recites, among others, "wherein the active first face of the first prosthesis element and the active first face of the second prosthesis element are disposed in moveable opposition to each other, one of the active first faces being concave and the other of the active first faces being convex so as to define a spherical cap." Support for the amendment to claim 1 can be found in the specifically as originally filed. Specifically, page 9, lines 18-21, states that:

"The active faces a of the parts constituting the prosthesis elements are defined in such a manner that they form portions of spherical caps that are respectively concave and convex."

No new matter is introduced. Accordingly, withdrawal of this objection is respectfully requested.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of claims 1, 3, 4, 6-10, 12, 13 and 15-18. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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